

INSTRUCTIONS: PARENTING PLAN JOINT CUSTODY AGREEMENT

ARS 25-331.01 defines custody as follows:

1. “Joint Custody” means joint legal custody or joint physical custody, or both.
2. “Joint Legal Custody” means the condition under which both parents share legal custody and neither parent’s rights are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order.
3. “Joint Physical Custody” means the condition under which the physical residence of the child is shared by the parents in a manner that assures that the child has substantially equal time and contact with both parents.
4. “Sole Custody” means the condition under which one person has legal custody.
5. “Visitation” [or “parenting time”] means the condition under which a parent has the right to have a child physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the child’s care consistent with the major decisions made by the person having legal custody.

The Parenting Plan Joint Custody Agreement pays attention to the cooperative sharing of physical care responsibilities; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the children’s needs as predominant. The sharing of physical care responsibilities should not avoid or cover up disagreement by the parents on one or more issues.

NOTE: In order to approve it, the court must find that the agreement does the following things (ARS 25-332):

- a. Serves the best interests of the children
- b. Designates each parent’s rights and responsibilities for the personal care of the children and decisions about education, health care, and religious training
- c. Includes a schedule of the children’s physical residence, including holidays and school vacations
- d. Includes a procedure for periodic review
- e. Includes a procedure by which proposed changes, disputes, and alleged breaches may be mediated or resolved, which may include Conciliation Services or private counseling
- f. States that the parents understand that joint custody does not necessarily mean equal parenting time

PARENTS PLEASE NOTE: Per ARS 25-332, an award of joint custody does not diminish the responsibility of either parent to provide for the support of the children.

The Parenting Plan Joint Custody Agreement should include the following items:

1. The parents' geographical location: Where do they live relative to one another? What are their addresses? Permanent or temporary?
2. Arrangements regarding the residential requirements of the children: How much time will the child spend with each parent? Be specific, including days and times.
3. Arrangements for holidays and vacations: What are your plans for summer vacation and school breaks? List specific details including dates and times.
4. Arrangements for education: How will the parents decide educational matters? For example, what school will a preschooler attend? If private school, who pays what?
5. Additional transportation arrangements: Will any additional transportation arrangements be needed? If so, what will each parents' responsibilities be?
6. Determinations regarding children's health care: For example, how will the parents make medical decisions? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?
7. Arrangements regarding extraordinary expenses: For example, what financial arrangements are made for the children (such as the parents sharing extraordinary expenditures and the parent with whom the child resides bearing the ordinary ones during the child's residency)? A fixed amount per month?
8. Arrangements for children's religious training, if any: For example, how will the parents decide on religious training? What, if any, are the plans for religious training?
9. Any other factors: What other arrangements (such as music lessons, sports/activity fees, camp, or Scouts) are needed?

The Parenting Plan Joint Custody Agreement must include the following items:

1. An agreement that, if major changes arise, such as moving or remarriage, and the present child care arrangements are no longer feasible, the parents will renegotiate the plan with the aid of a Conciliation Services counselor or independent mediator before considering court action.
2. A procedure for periodic review of the joint custody plan (e.g., parents agree to review the terms of the agreement every _____).
3. A statement that the parents understand that joint custody does not necessarily mean equal parenting time.